



# Employer Toolkit



NEW HAMPSHIRE  
PAID FAMILY  
& MEDICAL LEAVE



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Welcome to the New Hampshire Paid Family and Medical Leave (NH PFML) Plan, a first in the nation voluntary plan for NH employers and eligible NH workers.

This toolkit will help you understand the Plan and serve as a roadmap for you to design and implement NH PFML for your workforce.

**DISCLAIMER:** Like most group benefit programs, benefit programs offered by MetLife contain certain exclusions, exceptions, waiting periods, reductions, limitations, and terms for keeping them in force.

Ask your MetLife group representative for costs and complete details.



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# 1 NH PFML Plan Overview

## 1.1. Introduction to NH PFML

NH Paid Family and Medical Leave (NH PFML) is a first-in-the-nation voluntary plan where NH employers and eligible NH workers can choose whether or not to purchase paid family and medical leave insurance. NH PFML insurance provides up to 60% wage replacement for up to six (6) weeks per year for absences from work for covered common life events.

NH PFML insurance helps protect workers' financial security and strengthens a business's bottom line. It is an attractive worker benefit that can help employers stay competitive by:

- Providing wage replacement protection to help workers cope during a health crisis or care need
- Reducing turnover through improved worker retention as workers stay connected to work
- Increasing worker morale and productivity

NH PFML is available to all NH employers and NH workers through MetLife, the state's PFML insurance partner. NH PFML insurance is accessible to employers as a group plan and to workers as an individual plan. Workers may enroll in the NH PFML individual plan for themselves if their employer does not provide NH PFML insurance, or an equivalent benefit.

NH PFML insurance can be purchased from MetLife either directly or through an insurance agent, broker, or consultant. When purchasing through MetLife, employers can customize certain aspects of their coverage, however, requirements may apply.

Employers who purchase NH PFML insurance from MetLife are eligible to receive a Business Enterprise Tax (BET) credit of up to 50% of the premium they pay on behalf of their workers.

Although MetLife is the state's partner for NH PFML insurance, New Hampshire Insurance Department regulations allow other insurance companies to seek approval to provide paid family and medical leave benefit plans.

Employers who purchase other paid family and medical leave insurance plans or provide equivalent coverage will not qualify for the NH PFML BET tax credit.

## 1.2. Voluntary Coverage

NH PFML insurance was established in state law as a voluntary insurance program. Employers are not required to provide NH PFML insurance but will still have responsibilities if their workers enroll in the NH PFML individual plan.

When deciding whether to provide NH PFML to their workers, all employers should:

- Learn about NH PFML by visiting [New Hampshire's Paid Family and Medical Leave website](https://www.paidfamilymedicalleave.nh.gov/)<sup>1</sup>, visiting [MetLife's NH PFML website](https://www.metlife.com/insurance/disability-insurance/paid-family-medical-leave/states/new-hampshire/)<sup>2</sup> or contacting an agent, broker, or consultant
- Consider the Business Enterprise Tax (BET) credit for 50% of the portion of the NH PFML insurance premium paid by an employer for up to (6) six weeks of coverage
- Recognize that eligible NH workers can enroll in the NH PFML individual plan if the employer does not offer a NH PFML group plan or equivalent benefit plans

When NH PFML insurance is in effect, either through an employer or a worker purchased plan, all employers will need to:

- Provide support for enrolled workers. MetLife will provide employers with enrollment materials they can use to assist their workers. If NH PFML is 100% employer paid, workers will be automatically enrolled in the employer's plan
- Make applicable premium payment arrangements with MetLife, which may involve taking payroll deductions
- Address worker questions and direct workers to MetLife to file a claim
- Provide wage and leave information, work schedules and other benefits information to MetLife to support claims processing
- Establish a process to continue existing benefits when a worker has a NH PFML insurance claim
- Not discriminate or retaliate against any worker for accessing NH PFML benefits

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<sup>1</sup>State of New Hampshire website: <https://www.paidfamilymedicalleave.nh.gov/>

<sup>2</sup>MetLife NH PFML website: <https://www.metlife.com/insurance/disability-insurance/paid-family-medical-leave/states/new-hampshire/>

### 1.3. Qualifying Common Life Events

NH PFML insurance provides participating NH workers with 60% of their average weekly wage (up to the Social Security wage cap) for up to six (6) weeks per year if they cannot work due to these covered common life events:

| Paid Family Leave  | Paid Medical Leave  |
|--|---|
| <ul style="list-style-type: none"> <li>• For a worker to bond with a child during the first year following birth or placement for adoption or fostering</li> <li>• For a worker to care for a family member with a serious health condition</li> <li>• Any qualifying urgent demand or need arising out of the fact that the worker’s spouse, child, or parent is a covered military service member on covered active duty</li> <li>• For a worker to care for a covered military service member with a serious injury or illness if the eligible worker is the service member’s spouse, child, parent or next of kin</li> </ul> | <ul style="list-style-type: none"> <li>• A worker’s own serious health condition when disability coverage* does not apply, including childbirth</li> </ul> <p>*Please contact MetLife for additional details on what qualifies as disability insurance.</p> |

Under NH PFML, a serious health condition is defined as:

- Conditions requiring inpatient care
- Incapacity for more than three (3) days with continuing treatment by a health care provider
- Incapacity relating to pregnancy or prenatal care
- Permanent or long-term incapacity
- Certain conditions requiring multiple treatment, and
- Chronic serious health conditions that may prevent a person from working for a minimum of four (4) hours, for example, a person with epilepsy may not be able to work due to an epileptic episode

### 1.4. Qualifying Family Members

Under NH PFML, family member means a:

- Child including biological, adoptive, foster, or stepchild, legal ward, or child of a person standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability

- Child's spouse or domestic partner
- Spouse or a domestic partner
- Parent including biological, adoptive, foster, or stepparent, or legal guardian of the worker or the worker's spouse or domestic partner
- Grandparent including biological, adoptive, foster, or step grandparent

## 1.5. Plan Design

The NH PFML group insurance plan available to employers for their workers includes paid family leave and paid medical leave together in a single insurance policy.

The benefit amount a worker will receive for NH PFML benefits will vary based on the worker's average weekly wage and will be calculated as of the first date of a qualifying leave. The **average weekly wage** is determined by the individual's earnings (including salaries, bonuses, commissions, etc.) in the **base period** (the last four completed calendar quarters immediately preceding the first day of leave taken). The benefit is capped at 60% of the Social Security taxable wage weekly maximum.

MetLife offers employers a choice of duration under their NH PFML insurance plan, as follows:

| 6-week coverage plan  | 12-week coverage plan  |
|---|--|
| <ul style="list-style-type: none"> <li>• Up to 7-calendar day elimination period</li> <li>• Six (6) weeks of wage replacement benefits (not including the 7-calendar day elimination period)</li> <li>• 60% wage replacement up to the Social Security wage cap</li> <li>• Options for premium funding through employer and/or worker contributions</li> <li>• BET tax credit of 50% of premium paid by the employer</li> </ul> | <ul style="list-style-type: none"> <li>• Up to 7-calendar day elimination period</li> <li>• 12 weeks of wage replacement benefits (not including the 7-calendar day elimination period)</li> <li>• 60% wage replacement up to the Social Security wage cap</li> <li>• Options for premium funding through employer and/or worker contributions</li> <li>• BET tax credit of 50% of premium paid by the employer for six (6) weeks of coverage</li> </ul> |

Qualified leaves of absence can be taken all at once (continuous), on a reduced schedule, or in partial days (intermittent) with a minimum of 4-hour increments.





## TYPES OF LEAVE COVERED

**Continuous:** Continuous absence for a qualifying leave reason

**Reduced Schedule:** Minimum of four (4) hours leave reducing the number hours or days a worker is scheduled to work over a span of time for a qualifying leave reason

**Intermittent:** Minimum of four (4) hours leave in non-consecutive time periods for a qualifying leave reason

If applicable, an unpaid elimination period equivalent to one (1) work week must be met by the worker once per benefit period, after which a claim may be paid.

A **benefit period** is defined as a

- 12-month fixed period such as a calendar year, fiscal year, worker's first day of leave, or a
- 12-month rolling backwards period starting with the worker's first day of family or medical leave, during which the insured receives benefits

## 1.6. Premium Funding Options

NH PFML insurance is funded through premiums paid to MetLife for the NH PFML plan the employer selects.

An employer may:

- Fund 100% of the NH PFML insurance premium cost on behalf of their workers
- Share the premium cost with workers, or
- Pass the full premium cost to workers

If an employer passes any of the premium cost on to their workers, the employer will need to hold an open enrollment process to allow their workers the choice to participate. Workers are not eligible to enroll in the NH PFML individual plan if they choose not to participate in their employer's NH PFML group plan.

## 1.7. Business Enterprise Tax Credit

NH PFML incentivizes employers to purchase coverage through MetLife by providing a Business Enterprise Tax (BET) credit equal to 50% of the premium employers pay on behalf of their workers.

The BET tax credit does not apply to the premiums paid by workers or for employers who are not subject to the New Hampshire Business Enterprise Tax. Per New Hampshire Insurance Department regulations, it also does not apply to employers who purchase other (non-MetLife) paid family and medical leave insurance plans or employer equivalent coverage.

In general, employers are not eligible for the BET tax credit if they:

- Are not subject to the BET tax
- Sponsor a MetLife NH PFML plan that is 100% funded by their NH workers
- Self-fund a NH PFML equivalent benefit plan
- Purchase NH PFML coverage from another insurance company

To apply for the BET tax credit, employers will need to complete the most recent Schedule of Business Profits Tax (BPT) Credit (Form DP-160) and submit it to the NH Department of Revenue Administration to claim the BET tax credit. Employers are advised to consult their accountant/tax professional to identify and complete the appropriate forms.



### BET TAX CREDIT EXAMPLE APPLICATIONS

- ABC B&B has chosen to provide the 6-week NH PFML plan and pay premiums on behalf of their 30 eligible workers, which qualifies the company for a BET tax credit equal to 50% of the premium they pay to MetLife
- XYZ Office has chosen to provide the 12-week NH PFML plan and split the cost 50/50 with workers. In this case, the BET tax credit is applied only to the employer-paid premium for only six weeks of coverage; worker-paid premiums receive no BET tax credit
- GHI Restaurant has chosen to pass the full cost of the premium to workers who want to participate. In this case, the employer would not qualify for any BET tax credit since the employer is not contributing to the premium

## 1.8. Employer Responsibilities

All NH employers have responsibilities regarding NH PFML, in accordance with the provisions of NH HB2 (Chapter 91, Laws of 2021) and its referenced RSAs, however, specific responsibilities are determined based on whether an employer is considered a large or small employer under NH PFML.

**Large employers** are defined as having 50 or more NH workers

**Small employers** are defined as having less than 50 NH workers

### 1.8.1. Workforce Size Assessment

Complete the following steps to determine if you qualify as a large employer (50 or more NH workers) or a small employer (less than 50 NH workers). The workforce size assessment will apply for the policy year.

1. At the time of your enrollment, count your total NH workers (not total U.S. workers) for each of the past four quarters;
2. Divide that total by four to calculate an average across all four quarters;
3. If the average is 50 or greater, you qualify as a large employer; if the average is less than 50, you qualify as a small employer

Example: A winter sports equipment rental company had 100 NH workers in Q1, 10 NH workers in Q2, 30 NH workers in Q3 and 70 NH workers in Q4. This totals 210 workers in the last four quarters. Dividing this by four results in 52.5 workers, qualifying the company as a large employer.

### 1.8.2. Job Protection

Large employers that sponsor NH PFML insurance for their workers shall restore workers taking leave to the position held prior to such leave, or to an equivalent position, consistent with the job restoration provisions of the Family Medical Leave Act (FMLA) or [RSA 275:37-d](#). In addition, they should not discriminate or retaliate against any worker for accessing NH PFML benefits.

Small employers that sponsor NH PFML insurance for their workers are not required to restore a worker to their prior position under NH PFML. Since NH PFML and FMLA share similar qualifying leave events, job protections under FMLA rules could still apply.

Workers employed with a small employer are strongly encouraged to coordinate NH PFML leave with their employer and discuss the status of their position prior to taking leave.

When possible, FMLA and NH PFML should run concurrently.

### 1.8.3. Benefit Continuation

Large employers that sponsor NH PFML insurance for their workers shall continue to provide health insurance to workers during leave.

Small employers that sponsor NH PFML insurance for their workers are not required to continue health insurance benefits but may choose to do so.

Workers are responsible for any worker-shared costs associated with the health insurance benefits.

### 1.8.4. Claims Support

Workers will submit claims directly to MetLife regardless of whether workers enroll in NH PFML through their employer sponsored group plan or through the NH PFML individual plan. However, all employers, regardless of size, are obligated to address worker questions, direct workers to MetLife, and provide MetLife with work schedules, wage and leave information, and other benefits information in support of claims processing.

## 2 NH PFML Plan Eligibility

### 2.1. Determining Plan Eligibility

NH PFML insurance is available to all NH employers, including for-profit, non-profit, private, and public firms, and NH workers.

#### 2.1.1. Workers

Workers must be designated as working for an NH employer and report wages to NH for unemployment purposes to be eligible for NH PFML insurance coverage.



#### DEFINITIONS

**Employer** means any individual or type of organization located in New Hampshire, which has in its employ one or more individuals performing services for it within the State.

**Worker** means a person performing services for any employer with a physical location in NH in exchange for wages under any contract of hire written or oral, express, or implied.

Eligibility will be verified by MetLife during the enrollment process.

#### 2.1.2. Self-Employed and Sole Proprietors

Self-employed, sole proprietors can enroll in the NH PFML individual plan if they work for themselves, pay themselves W-2 compensation and do not employ any other person.

If a sole-proprietor employs more than one person, however, and pays W-2 compensation to themselves and their workers, they are considered an employer and can purchase a group policy.

If a sole-proprietor uses business profits as income, MetLife will need to have proof of wages similar to W-2 workers to define the average weekly wage to calculate the benefit.

## 2.2. NH PFML Equivalent Plan Guidelines

NH PFML is designed to provide a basic framework of benefits allowing paid leave for life's common events. However, we recognize that some employers may have a combination of benefits that are 'equivalent' to the benefits received under NH PFML.

An employer's benefits, which may be provided through a combination of plans, must include the following to be considered a NH PFML equivalent plan:

- Coverage for all qualifying events, including:
  - A worker's own serious health condition when disability coverage\* does not apply, including childbirth
  - For a worker to bond with a child during the first year following birth, or placement for adoption or fostering
  - For a worker to care for a family member with a serious health condition
  - Any qualifying urgent demand or need arising out of the fact that the worker's spouse, child, or parent is a covered military service member on covered active duty
  - For a worker to care for a covered service member with a serious injury or illness if the eligible worker is the service member's spouse, child, parent or next of kin
- 60% wage replacement benefits up to the Social Security wage cap for all qualifying leave reasons
- A minimum of six (6) weeks of benefits for all qualifying leave reasons

\*Please contact MetLife for additional details on what qualifies as disability insurance.

Ability to take leave continuously, intermittently or on a reduced schedule with a minimum of four (4) hours of missed time for each covered day plan. Employers may complete the MetLife [Employer Equivalent Plan Evaluation and Certification Checklist](#)<sup>3</sup> to help determine if they offer equivalent benefits.

The checklist form may also be used by employers to notify their workforce that they offer NH PFML or equivalent benefits, since NH PFML does not have worker notification requirements. MetLife may reference the form in its review against individual enrollment applications so that coverage is not purchased by both a worker and the employer.

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<sup>3</sup><https://www.paidfamilymedicalleave.nh.gov/employer-toolkit/>

If your benefits are equivalent to NH PFML, consider adding a section to your **Employee Benefits Handbook** explaining how your workers' benefits align to the NH PFML plan and include the Equivalent Plan Evaluation and Certification Checklist on your website.

# 3 Purchasing a NH PFML Group Plan

## 3.1. Requesting a Quote

The purchasing process begins when an employer requests a quote from MetLife through a licensed agent, broker, or consultant who is appointed with MetLife to sell the NH PFML insurance plan. If an employer does not have such an agent, broker, or consultant to work with, MetLife will help employers identify one.

Other ways to start the quoting process include:

- Use MetLife's online [NH PFML Quote Calculator for Employers](#)<sup>4</sup> to explore NH PFML plan options and connect with MetLife to learn more about purchasing NH PFML insurance
- Call the MetLife Customer Solution Center at **1.866.595.PFML (7365)**

Employers will need to provide the following information to receive a quote:

- Workforce census including the following information:
  - Workplace zip code
  - Worker age or date of birth (DOB)
  - Worker gender
  - Worker annual salary
- Employer Standard Industrial Classification (SIC) or industry code
- Employer situs/business location state

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<sup>4</sup><https://www.metlife.com/nh-pfml-employer/>



- Whether or not the employer has disability coverage
- Request for a 6-week or 12-week NH PFML plan
- Funding choice to fully fund 100% of the NH PFML insurance premium cost on their workers' behalf, share the premium cost with workers, or pass the full 100% premium cost on to workers

MetLife will review the information provided and use the state-approved rate schedules to individually underwrite each employer. An agent, broker or consultant commission may be included in the cost of the premium.

### 3.2. Purchasing a Group Plan

Once an employer agrees to the rate, MetLife will issue the NH PFML policy and enroll the covered workers.

Each employer will complete a MetLife Policy Application that includes the coverage details and binds the rate to be used to fund the premium.

A certificate will be issued to support the covered workers under the employer's group plan.

### 3.3. Enrolling in NH PFML

The employer enrollment process occurs when a NH employer decides to offer a NH PFML group insurance plan to their NH workers.

- If an employer chooses to **fully fund** the premium associated with the NH PFML group insurance plan, their NH workers can be enrolled automatically
- If an employer chooses to **split costs or pass the entire cost** of the premium to their workers, the workers will have the choice to participate during the employer's enrollment period

MetLife offers a comprehensive worker engagement approach that can help employers communicate the enrollment process with their workers and provide education to raise awareness.

#### WORKER ENGAGEMENT APPROACH



Once an employer agrees to the premium, MetLife can begin issuing the employer's NH PFML policy and enrolling the employer's covered workers. Each employer will complete a Policy Application that includes details of the policy and binds the rate to be used to fund the premium. A certificate will be issued to support the employer's covered workers under the employer's group plan.

Once enrolled, MetLife will provide employers with access to a NH PFML employer portal. This portal will provide employers with tools for worker enrollment management, policy administration and claims administration.

### 3.4. Premium Billing/Remittance

NH PFML premiums are remitted by employers to MetLife for group policies. Employers may or may not be responsible for submitting premiums for NH workers who enroll in the NH PFML individual plan, depending on the circumstances.

When employers are responsible for remitting premiums to MetLife, they will receive billing statements from MetLife to support the premiums due on a monthly or quarterly basis based on the employer's preference. If a different payment frequency is needed, employers are encouraged to discuss those options with MetLife.

For employers using payroll deductions for premium remittance, the premium will be in arrears. For example, if using a quarterly remittance schedule:

| Premiums accrue  | Premiums due |
|------------------|--------------|
| January–March    | April        |
| April–June       | July         |
| July–September   | October      |
| October–December | January      |

Employers can pay their premiums using electronic fund transfers/automated clearing house (EFT/ACH), by check, wire transfer, or with a credit card.

- If credit card payment is selected, credit card service fees will be applied and will be the responsibility of the employer. The billing remittance statement will disclose the exact credit card fee based on the selected billing frequency
- A service fee is not applied to the other methods of paying premiums

## 3.5. Payroll Deductions

Large employers must collect worker premium payments through payroll deductions, regardless of whether the employer purchases a NH PFML group insurance plan or their workers enroll in the NH PFML individual plan.

Small employers are not required to collect premium payments through payroll deductions but may do so through arrangements with MetLife.

Employers paying 100% of premium do not have to take payroll deductions from workers.

To prepare for payroll deductions and remittance of NH PFML insurance premiums to MetLife prior to the effective date of the plan, obligated employers should do the following:

1. Using the binding rate from the employer's signed NH PFML insurance contract, set up the payroll deduction line in the payroll system with an item that reads NH PFML as a post-tax deduction for workers
  - a. Note:
    - i. NH PFML makes no changes to existing federal and applicable state tax reporting requirements
    - ii. The Internal Revenue Service (IRS) has not yet provided taxation rules for paid family leave or paid medical leave
    - iii. For guidance on NH PFML taxation, employers should discuss with their employment counsel and tax experts
2. Test a few cases to ensure the NH PFML rates are variable and calculate correctly
3. Payroll deductions should begin with the NH PFML policy effective date and can align to the employer's normal payroll schedule

Taxation guidelines generally followed for PFML contributions are:

- If premiums are taken prior to taxes, benefits are taxed
- If premiums are taken post tax, benefits are not taxed
- Only applies to paid medical leave
- Not applicable to paid family leave

## 3.6. Payroll Reporting Requirements

NH PFML does not have employer or payroll reporting requirements. However, as a best practice, employers are encouraged to notify covered workers of the NH PFML payroll deductions and any annual changes supporting the NH PFML coverage.

## 3.7. Benefit Taxability

NH PFML makes no changes to existing federal and applicable state tax reporting requirements. NH PFML insurance benefits may be taxable at the federal level. They are not taxable at the state level, as NH does not have state income tax.

As the IRS has not yet provided taxation rules for paid family leave (PFL) or paid medical leave (PML), MetLife follows the industry standard for NH PFML taxes, i.e., that NH employers include contributions for PFML in the gross income of the worker for federal income tax purposes.

For the **paid medical leave (PML)** portion of NH PFML coverage, this means that the employer contribution portion is made on a pre-tax basis, while the worker contribution portion is made on an after-tax or post-tax basis. Benefit payments to workers are taxable if paid for by the employer, but not taxable if paid for by the worker.

For example:

- When an employer pays 100% of the premium, the PML portion of the benefit is 100% taxable
- When an employer pays 60% of the premium the PML portion of the benefit is taxed at 60%, while the remaining 40% that was paid for by the worker is not taxed
- When a worker pays 100% of the premium the PML portion of the benefit is not taxed.
- For the **paid family leave (PFL)** portion of NH PFML coverage, taxes will not be withheld from benefits automatically. Workers can request voluntary tax withholding. Workers will need to submit a W-4S tax form to MetLife for taxes to be withheld.
- NH **PML** benefits are subject to both federal payroll tax under the Federal Insurance Contributions Act (FICA) and federal unemployment tax under the Federal Unemployment Tax Act (FUTA).
- NH **PFL** benefits are not subject to FICA and FUTA.

Please contact your employment counsel and tax experts for additional guidance on premium and benefit tax practices.

## 3.8. Worker Communications

NH PFML does not have worker notification requirements however, employers are encouraged to display the [NH PFML Notice of Benefits Poster](#)<sup>5</sup> in their workplace to educate their workers on the NH PFML benefits available to them.

Additional ways to communicate with workers might include:

- Adding information about NH PFML benefits to your Employee Benefit Handbook, including instructions on how to file a claim and how NH PFML can be coordinated with other employer benefits, such as FMLA
- Including NH PFML in your annual enrollment process and materials, particularly if the cost is shared or passed entirely to workers and workers have the choice to participate
- Incorporating NH PFML information into the new hire process:
  - Identify whether new hires have individual NH PFML coverage or if they had NH PFML coverage through their prior employer
  - Ask new hires to participate in the employer's NH PFML group plan and give them 30 days to enroll
- Provide a NH PFML Portability Letter to covered workers who are terminating employment
  - This can explain a worker's right to continue coverage as they move to other employment
  - A sample NH PFML Portability Letter is available through the MetLife NH PFML employer portal that will be shared upon employer enrollment

## 3.9. Claims Processing

The employer plays a key role in the NH PFML insurance claim process and has the following responsibilities when a worker intends to utilize NH PFML wage replacement benefits.

When a worker is ready to submit a NH PFML claim, the employer should:

1. Instruct enrolled workers to call MetLife at 1-866-595-PFML (7365)
  - a. If a worker qualifies for disability or workers' compensation (WC), the employer should coordinate with the insurance carrier and/or third-party administrator (TPA) and advise the worker that they are not eligible for NH PFML benefits for the same days of absence covered by WC or disability
2. Provide requested information to MetLife to assist in establishing the NH PFML claim, such as:
  - a. Eligibility information
  - b. Job description
  - c. Work schedule and wages

- d. Other information as requested
- 3. Coordinate with the worker regarding paid time off (PTO) or employer-sponsored benefit usage, as applicable
- 4. Submit a request for NH PFML leave on behalf of the worker, if necessary
- 5. Communicate any return-to-work plans to MetLife
- 6. Notify MetLife when the worker returns to work or does not return to work as expected

# 4 NH PFML Individual Plan

## 4.1. Individual Worker Coverage

NH PFML provides NH workers the opportunity to enroll in the NH PFML plan as individuals if their employer does not offer a NH PFML group plan or equivalent benefits. Workers are encouraged to talk with their employer's Human Resources representative if they have any questions and to see whether their employer sponsors NH PFML coverage.

NH workers will be able to enroll in the NH PFML individual plan from January 1 through March 2, 2023, during the state's first 60-day annual open enrollment period. Off cycle enrollment is available when a covered worker changes jobs.

If an employer chooses to sponsor a group NH PFML insurance plan through MetLife after a worker has already enrolled in the NH PFML individual plan, the worker will receive a letter from MetLife alerting them that their individual coverage will end and their group employer coverage will begin. Any premiums paid in advance by the worker will be pro-rated and refunded to the worker.

While workers who have enrolled in the NH PFML individual plan will submit insurance claims directly to MetLife, all employers are obligated to address worker questions, direct workers to MetLife, and provide MetLife with work schedules, wage and leave information, and other benefits information in support of claims processing, regardless of employer size.

## 4.2. NH PFML Individual Insurance Plan Design

The NH PFML individual plan includes:

- Six (6) weeks of wage replacement at 60% up to the Social Security wage cap
- A single unpaid work week before benefits may be paid
- Leave that can be taken all at once (continuous), at a reduced schedule, or in partial days (intermittent) with a minimum of 4-hour increments
- A 7-month waiting period before a claim may be submitted
- Premiums of no more than \$5 per week

### 4.2.1. Worker Eligibility

Workers can enroll in the NH PFML individual insurance plan when:

- They work for an employer with a physical location in New Hampshire and
- Their NH employer does not offer a NH PFML group plan or equivalent coverage

Workers are not eligible to enroll in the NH PFML individual plan when:

- They are not designated as working for a NH employer
- They have elected not to enroll in their NH employer's NH PFML group plan
- Their NH employer offers equivalent coverage
- They are subject to another state's paid family and medical leave plan

## 4.3. Employer Responsibilities for Workers with Individual Plan Coverage

Workers who have enrolled in the NH PFML individual plan will submit insurance claims directly to MetLife, however, all employers are obligated to:

- Ask new hires if they have purchased individual NH PFML coverage to understand any payroll deductions that may be needed
- Address worker questions about the NH PFML program
- Direct workers to MetLife to file a claim
- Participate in the claims process by providing MetLife with work schedules, wage and leave information, and other benefits information in support of coordinating benefits
- Prevent discrimination or retaliation against any worker who has individual coverage or when using their NH PFML benefits



During the enrollment process, workers will be asked to provide contact information for their employer so that MetLife can reach out to confirm NH employment details. Information required from the employer may include:

- Name of employer
- Employer's New Hampshire address
- If employer has more than 50 NH workers
- Employer contact name
- Contact's email address
- Contact's phone number

#### 4.3.1. Communication with MetLife

MetLife will reach out to employers multiple times during and after the NH PFML individual plan open enrollment period.

- **During Open Enrollment:** Employers will be contacted to verify eligibility of the individual enrolling in the plan. Employers will have five (5) days to respond to the employment verification inquiry during open enrollment. If MetLife does not receive a response within that time, the individual's application for enrollment in the NH PFML individual plan will be submitted
- **After Open Enrollment:** Employers will be contacted with a copy of the rate letter sent to the worker confirming their NH PFML individual plan coverage. It will contain the effective date of the worker's coverage, the rate, the estimated annual premium due and estimated weekly premium deduction

#### 4.3.2. Payroll Deductions

Large employers are required to remit premium on behalf of their workers through payroll deduction for workers enrolled in the NH PFML individual plan.

Small employers are not required to remit worker premiums through payroll deductions but may do so through arrangements with MetLife.

Employers will receive quarterly billing statements with the estimated quarterly premium due and instructions for where to submit the funds.

Employers may use their normal payroll practices to implement the payroll deduction using either the rate percent or the weekly dollar amount.

Premiums may be paid using check, EFT/ACH, wire transfers or by credit card. Please note that if the employer chooses to pay using a credit card, the credit card fees will be the responsibility of the employer and cannot be taken from the worker's payroll deduction.

## 4.4. Individual Coverage When Changing Jobs

Workers enrolled in the NH PFML individual plan are required to notify MetLife upon changing employers to update their employment information. MetLife will contact the new employer for employment verification, plan status, claims administration and/or premium payments.

Workers will not be able to retain their individual coverage if their new employer sponsors a NH PFML group plan or provides equivalent benefits. Instead, they should be offered the opportunity to enroll in their new employer's NH PFML group plan.

Workers enrolled in the NH PFML individual plan may retain their coverage if their new employer does not sponsor a NH PFML group plan or equivalent benefits.

If a covered worker changes jobs, they should ask their Human Resources representative if their new employer has a NH PFML insurance plan.

# 5 NH PFML Benefit Coordination

## 5.1. NH PFML Coordination with Other Leaves and Benefits

NH PFML insurance is designed to coordinate with other types of leave and worker benefits in the following manner:

- If a worker qualifies and is receiving Short-Term Disability (STD)\* or Long-Term Disability (LTD) benefits, they will not qualify for NH PFML insurance benefits for the same days absent
- If a worker is eligible to receive Workers' Compensation (WC), they will not qualify for NH PFML insurance benefits
- NH PFML insurance will run concurrently with federal FMLA when a worker is eligible for qualifying leave under both programs
- Any other paid benefit coordination is based on employer policy, NH statute and rules of the MetLife agreement

\*Please contact MetLife for additional details on what qualifies as disability insurance.

Under a NH PFML group plan, employers may require workers to use NH PFML at the same time as any company-paid accrued leave. Also, employers will be able to subtract the NH PFML benefit from their salary continuation plan, so the worker does not receive more than 100% of wages. Employers should review and update their salary continuation plan to ensure that it coordinates with NH PFML.

Under the NH PFML individual plan, workers must use all available accrued paid leave except one week before accessing NH PFML benefits. An employer cannot require the worker to use their individual PFML benefit at the same time they are receiving company sponsored benefits.

Workers may choose to 'top up' the NH PFML benefit with their remaining employer paid accrued leave. MetLife will work with employers to coordinate dates of any available company leaves that directly overlap with NH PFML.

Further examples of benefit coordination with NH PFML might include:

| Leave reason  | NH PFML                            |        | Federal FMLA* | Company or Statutory  |
|---|------------------------------------|--------|---------------|---|
|   | NH PML                             | NH PFL |               |   |
| <b>Worker has a serious health condition and needs to take time off work intermittently</b>       | Yes                                | No     | Yes           | Maybe (sick leave or medical leave)   |
| <b>Worker gives birth to a new child and needs to take time to recover from childbirth</b>        | Maybe (if no disability insurance) | No     | Yes           | STD   |
| <b>Worker has a serious health condition and needs continuous leave from work</b>                 | Maybe (if no disability insurance) | No     | Yes           | STD-continuous or reduced leave schedule with partial disability<br><br>No intermittent leave |
| <b>Worker is injured at work</b>  | No                                 | No     | Yes           | Workers' Compensation   |
| <b>Worker is taking leave to bond with a newborn, or fostering or adopting a child</b>            | No                                 | Yes    | Yes           | Maybe (Parental/ Bonding Leave)   |
| <b>Worker needs to care for a grandparent or domestic partner with a serious health condition</b> | No                                 | Yes    | No            | Sick leave, Paid Time Off (PTO)   |
| <b>Worker needs to care for child, spouse, parent with a serious health condition</b>             | No                                 | Yes    | Yes           | Sick leave, Paid Time Off (PTO)   |

*\*Federal Family and Medical Leave Act (FMLA) is applicable if the employer has 50 or more workers within a 75-mile radius and the worker has worked at minimum 1,250 hours and for 12 months for the employer.*

## 5.2. How NH PFML Differs from FMLA

NH PFML does not alter or expand the protections and provisions under FMLA. The FMLA allows workers to take up to 12 weeks of unpaid, job-protected time away from work to address their own or a family member's serious health condition, bonding with a new child, and for reasons related to a family member's military service.

FMLA defines family member as a parent, child, or spouse, however, NH PFML expands the definition of family to include domestic partners and grandparents.

Job protection when a worker takes leave under FMLA requires an employer to reinstate a worker when they return from leave to the same or an equivalent position. An equivalent position includes the same pay and work schedule as the previous position. When an employer or worker enrolls in a NH PFML insurance plan, the NH PFML claim will run concurrently to a FMLA claim and provide six (6) or twelve (12) weeks of wage replacement benefits to complement the worker's unpaid FMLA.

There could be situations where a worker qualifies for NH PFML wage replacement and does not qualify for leave under FMLA, or vice versa. Approval for a claim for FMLA or for NH PFML does not mean the other benefit is approved. Each must be reviewed individually.



## EXAMPLES

A worker requests benefits to care for their domestic partner's child who is recovering from a broken bone. The worker would qualify for paid leave under NH PFML but would not qualify for federal FMLA.

A worker with a small company (less than 50 workers) has accrued wages and employment status that qualifies them for NH PFML benefits, but that worker has worked for their employer for less than three (3) months. In this situation, the worker may qualify for paid leave benefits under NH PFML but not federal FMLA and job protection from their employer.

### 5.3. How NH PFML Differs from NH Pregnancy Leave

NH PFML does not change or alter existing protections and requirements contained in the state's "Law Against Discrimination" (NH RSA 354-A). This law requires employers with at least six (6) workers to provide pregnancy disability leave to all workers. A worker who is temporarily unable to work due to pregnancy, childbirth, or related conditions, may take time off for as long as she is disabled. When she is able to return to work, the worker must be restored to the same position or a comparable one, unless this is impossible or unreasonable for the employer due to business necessity.

NH PFML insurance plan benefits and NH pregnancy leaves should run concurrently if the worker does not have access to disability benefits. If a worker's period of disability ends before she exhausts NH PFML benefits, she could remain out on leave until she exhausts NH PFML benefits, as NH PFML benefits cover both a worker's serious health condition and bonding time with a child. If a worker's period of disability ends before she is eligible for NH PFML benefits, a worker could later take NH PFML when she becomes eligible for benefits if within a child's first year, as NH PFML benefits cover bonding time with a child.

For more information concerning NH Pregnancy Leave law see [Pregnancy Discrimination](#) information<sup>5</sup> from the NH Commission for Human Rights.

## 5.4. How NH PFML Differs from Short-Term Disability

Although every policy is different, STD insurance\* typically provides wage replacement for illness or injury of the worker that meets the definition of disability. NH PFML insurance provides wage replacement for a worker's own serious health condition when disability insurance\* does not apply, including childbirth, and for several other qualifying events such as for child bonding due to birth, adoption or fostering, serious health condition(s) of a family member, qualifying need arising from military deployment or service or caring for a qualifying military service member.

NH PFML coverage is broader than STD but is limited to six (6) weeks and is shared with other qualifying reasons. This means that if NH PFML benefits are used to care for a family member, a worker could be without coverage for themselves. Therefore, NH PFML is not a replacement for STD, and STD is not a replacement for NH PFML. STD and NH PFML complement each other if a worker has a serious health condition.

\*Please contact MetLife for additional details on what qualifies as disability insurance.



### EXAMPLE

A worker who is on leave for four (4) weeks due to out-patient surgery would likely be covered under STD. If the worker is required to leave work early to attend four (4) weeks of physical therapy (PT) before receiving their physician's approval to return to full time duty, the intermittent leave for PT would be covered under NH PFML, and not under STD.

<sup>5</sup><https://www.nh.gov/hrc/pregnancy/common.html>

## 6 Resources

The following resources are available to employers for educational purposes and can be found on the NH PFML website [Employer Toolkit<sup>3</sup>](#) page.

- [NH PFML Quote Calculator for Employers](#)
- [NH PFML Claims and Appeal Process](#)
- [NH PFML Employer Fact Sheet](#)
- [NH PFML Equivalent Plan Checklist](#)
- [NH PFML Filing a Claim Quick Reference](#)
- [NH PFML Introductory Postcard \(Optional\)](#)
- [NH PFML Notice of Benefits Poster \(Optional\)](#)
- [NH PFML Paycheck Mailer \(Sample\)](#)

# 7 Definitions

NH PFML insurance uses key words with specific definitions to describe benefits and insurance coverage. Below are some of the common terms used within this toolkit. For a complete list of applicable terms, be sure to review your NH PFML insurance policy and/or certificate.

**Accrued Paid Leave** means leave earned by or otherwise provided by an employer, and that a worker may use for a qualifying reason including, but not limited to, sick leave, annual leave, vacation leave, personal leave, compensatory leave, paid time off, a disability policy or program of the employer, or a paid family, or medical leave program of the employer.

**Average Weekly Wage** means the total wages earned by the covered worker over the base period, divided by the number of weeks in that period.

**Base Period** means the last four completed calendar quarters immediately preceding the first day of leave taken

**Benefit Period** means a 12-month fixed period such as a calendar year or fiscal year, or a 12-month rolling backward period from the first day of leave taken for NH PFML.

**Child** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

**Covered Service Member** means:

- a current member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or
- a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.



**Domestic Partner** means each of two people, one of whom is a covered worker, who are of the same or opposite sex and have a mutually dependent relationship so that each has an insurable interest in the life of the other. Each person must be:

- 18 years of age or older;
- unmarried;
- the sole domestic partner of the other;
- sharing a primary residence with the other and
- not related to the other in a manner that would bar their marriage in the jurisdiction in which they reside

MetLife may require domestic partner declaration attesting to the existence of an insurable interest in one another's lives be completed and signed by the worker.

**Elimination Period** means the period of approved leave during which benefits are not payable. Only one elimination period is required each benefit year. The unpaid elimination period may not exceed seven days and is representative of one average work week.

**Employer** means any individual or type of organization located in New Hampshire, which has in its employ one or more individual's performing services for it within the State.

**Employee** also referred to as 'worker' means a person performing services for any employer with a physical location in NH in exchange for wages under any contract of hire written or oral, express, or implied.

**Family Member** means any of the following:

- Child including biological, adoptive, foster, or stepchild, legal ward, or child of a person standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability

- Child's spouse or domestic partner
- Spouse or a domestic partner
- Parent including biological, adoptive, foster, or stepparent, or legal guardian of the worker or the worker's spouse or domestic partner
- Grandparent including biological, adoptive, foster, or step grandparent.

**FMLA** means the federal Family and Medical Leave Act.

**Grandparent** means a biological, adoptive, step or foster grandparent.

**Intermittent Leave** means leave taken in separate periods of time due to a single qualifying reason, rather than for one continuous period of time. Examples of intermittent leave include leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of months.

**Parent** means the biological, adoptive, foster parent, or stepparent or legal guardian of the worker or the worker's spouse or domestic partner.

**Qualifying Exigency** means a need arising out of the covered Worker's spouse, child, or parent's active duty service or notice of an impending call or order to active duty in the Armed Forces, including, but not limited to, providing for the care or other needs of the military member's child or other family member, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave or following return from deployment or making arrangements following the death of the military member.

**Reduced Leave Schedule** means a leave schedule that reduces a worker's usual number of hours per workweek, or hours per workday.

**Spouse** means a worker's lawful spouse, including the covered worker's domestic partner.

**Wages** means the amount of income received by the insured through employment, including salaries, commissions and bonuses, and tips. Wages do not include benefits such as formal sick pay plans, individual and group disability income insurance plans and retirement plans.

**Worker** means a person performing services for any employer with a physical location in NH in exchange for wages under any contract of hire written or oral, express, or implied.